

AMENDED IN ASSEMBLY JUNE 29, 2010

AMENDED IN ASSEMBLY JUNE 2, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 129

Introduced by Assembly Member Monning

February 18, 2010

Assembly Concurrent Resolution No. 129—Relative to international treaties.

LEGISLATIVE COUNSEL'S DIGEST

ACR 129, as amended, Monning. International treaties: reports.

The measure would request the Attorney General to publicize specified international treaties and protocols to cities, counties, and state agencies, and to prepare templates for cities, counties, and state agencies to use to create reports pertaining to those treaties and protocols.

Fiscal committee: yes.

1 WHEREAS, California is a coastal state populated by many
2 native people and immigrants from all nations that has long
3 recognized its role in the United States and in the global
4 community; and

5 WHEREAS, The state is required to ~~fulfil~~ *fulfill* and implement
6 its reporting obligations under international treaties and domestic
7 laws; and

8 WHEREAS, The City and County of San Francisco was proud
9 to serve as the site for the founding of the United Nations and the
10 United Nations Charter, which was agreed to by the United States
11 in 1945; and

1 WHEREAS, In 1992, the United States agreed to the
2 International Covenant on Civil and Political Rights (ICCPR), a
3 treaty that includes many of the rights set forth in the United States
4 Bill of Rights and in the Universal Declaration of Human Rights,
5 in which the United States made commitments to (1) publicize the
6 text of the treaty throughout its states and territories, and (2) make
7 reports every five years to the Human Rights Committee of the
8 United Nations that administers the ICCPR, including reports at
9 the federal, state, and local levels; and

10 WHEREAS, In 1994, the United States agreed to the
11 International Convention Against Torture and Other Cruel,
12 Inhuman or Degrading Treatment or Punishment (ICAT), a treaty
13 including some of the provisions in the Eighth Amendment to the
14 United States Constitution, in which the United States made
15 commitments to (1) publicize the text of the treaty throughout its
16 states and territories, and (2) make reports every four years to the
17 United Nations Committee Against Torture (CAT) administering
18 the ICAT, including reports at the federal, state, and local levels;
19 and

20 WHEREAS, In 1994, the United States agreed to the
21 International Convention on the Elimination of All Forms of Racial
22 Discrimination (ICERD), a treaty including provisions of the 13th,
23 14th, 15th, and 24th Amendments to the United States Constitution,
24 in which the United States made commitments to (1) publicize the
25 text of the treaty throughout its states and territories, and (2) make
26 reports every two years to the United Nations Committee on *the*
27 Elimination of Racial Discrimination (CERD), including reports
28 at the federal, state, and local levels; and

29 WHEREAS, In 2002, the United States agreed to optional
30 protocols to the United Nations Convention on the Rights of the
31 Child (CRC)—the Optional Protocol on the Involvement of
32 Children in Armed Conflict and the Optional Protocol on the Sale
33 of Children, Child Prostitution and Child Pornography (CRC
34 Optional Protocols), protocols that include some of the provisions
35 of the United States military and pornography law—in which the
36 United States made commitments to (1) publicize the text of the
37 protocols throughout its states and territories, and (2) make reports
38 every five years to the United Nations Committee on the Rights
39 of the Child (CRC) administering the Protocols, including reports
40 at the federal, state, and local levels; and

1 WHEREAS, To date, California has not received a formal notice
2 from the United States Department of State that reports are due
3 under these treaties and protocols and has failed to make any
4 required report to any of the four United Nations committees; and

5 WHEREAS, On January 20, 2010, the Legal Adviser to the
6 United States Department of State issued an unclassified
7 Memorandum for State Governors on United States Human Rights
8 Treaty Reports stating that “we would appreciate your forwarding
9 this communication to your Attorney General’s office, and to the
10 departments and offices that deal with human rights, civil rights,
11 housing, employment and related issues in your administration”;
12 and

13 WHEREAS, In 1994, the City of Berkeley, informed of the
14 treaties by its Peace and Justice Commission, submitted its initial
15 local reports to the United States Department of State for inclusion
16 in its report, and directly to the Human Rights Committee, and in
17 2006 and 2007, submitted its local reports to the CERD and CAT
18 under city council resolutions; and

19 WHEREAS, City officials in Berkeley found that these
20 submissions heightened awareness among city officials and staff
21 of the significance of their enforcing human rights; and

22 WHEREAS, The members of the three United Nations
23 committees recently used information from unofficial reports by
24 nongovernmental organizations in their discussions of the official
25 United States reports, and specifically stated in their Concluding
26 Observations that they expect to receive information at the local
27 level in all future United States reports; and

28 WHEREAS, All of the facts and statistics needed to make the
29 reports to the four United Nations committees are available in
30 reports already prepared by the state for other purposes; and

31 WHEREAS, California can become ~~the first state in the nation~~
32 ~~to prepare and file the reports and protocols required under these~~
33 ~~three treaties by obtaining information from all cities and counties~~
34 ~~and from state agencies; and~~ *a leader among the states in fulfilling*
35 *reporting obligations under these treaties and protocols by taking*
36 *steps to ease the task of compiling and organizing data for cities,*
37 *counties, and state agencies; and*

38 WHEREAS, The next reports from the United States are due to
39 the Human Rights Committee of the United Nations on August 1,
40 2010, to the CERD Committee on November 20, 2011, to the CAT

1 Committee on November 19, 2011, and to the CRC Committee in
2 2015; now, therefore, be it

3 *Resolved by the Assembly of the State of California, the Senate*
4 *thereof concurring*, That the Legislature of the State of California
5 hereby requests the Attorney General to (1) publicize the text of
6 the three treaties and two protocols among all city, county, and
7 state agencies, and (2) prepare templates for use by cities, counties,
8 and state agencies on which to make concise, complete, and
9 accurate reports ~~that the state can merge and submit in its reports~~
10 ~~to the four United Nations committees to fulfill reporting~~
11 *obligations under these treaties and protocols*; and be it further

12 *Resolved*, That the Chief Clerk of the Assembly transmit copies
13 of this resolution to the Attorney General, President and Vice
14 President of the United States, the Speaker of the House of
15 Representatives, the Majority Leader of the Senate, to each Senator
16 and Representative from California in the Congress of the United
17 States, the Legal ~~Advisor~~ *Adviser* to the United States Department
18 of State, the United Nations High Commissioner for Human Rights,
19 the Chair of the Human Rights Committee of the United Nations,
20 the Chair of the Committee Against Torture of the United Nations,
21 the Chair of the Committee on Elimination of Racial
22 Discrimination of the United Nations, and the Chair of the
23 Committee on the Rights of the Child of the United Nations.